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**MEMO ENDORSED**

January 17, 2020

**BY ECF**

Hon. Richard M. Berman  
United States District Judge for the  
Southern District of New York  
Daniel Patrick Moynihan United State Courthouse  
500 Pearl St., Suite 1650  
New York, New York 10007

USDC SDNY  
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Re: *United States v. James Kelly*, 19 Cr. 426 (RMB)

Dear Judge Berman:

I am writing to request an adjournment of the conference scheduled in the above referenced case for Tuesday, January 21, 2019 at 12:45 pm. When Your Honor scheduled that conference, the date was selected based on a schedule pursuant to which the government would be making its supplemental submission relating to the pending suppression motion by January 3, 2020. Your Honor has granted the government two extensions (to which I consented) of the time for that submission, which is now due January 24, 2019. In view of those extensions, I do not believe it would be a fruitful use of the Court's or counsel's time to proceed with the conference as scheduled, particularly since it would require a trip by me from my White Plains Office into Manhattan. I apologize for the lateness of this application, but I did not realize at first that the adjournment Your Honor granted to the government on January 10, 2019 did not include an adjournment of Tuesday's conference as well as an adjournment of the due date for its supplemental submission. I have discussed this application with Assistant United States Attorney Christopher Clore, and the government consents.

Respectfully,

/s/ James R. DeVita

James R. DeVita

Conference adjourned  
to January 25, 2020 at  
10:30 AM.

SO ORDERED:

Date: 1/17/2020

Richard M. Berman

Richard M. Berman, U.S.D.J.